

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
LOUIS ROBERTS
:

Plaintiff,
:

-v-
:

JUSTIN GITELIS, et al.,
:

Defendants.
:
-----X

20-CV-9694 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff Louis Roberts brings this action against Defendants Justin Gitelis and Michael Gitelis. After reviewing his original Complaint, filed on November 18, 2020, the Court found that — although Roberts appeared to invoke this Court’s diversity jurisdiction under 28 U.S.C. § 1332 — he neither actually stated the basis for the Court’s subject-matter jurisdiction as required by Rule 8(a)(1) of the Federal Rules of Civil Procedure nor properly pleaded the citizenship of the parties. *See* ECF No. 6. On November 19, 2020, the Court ordered Roberts to amend his Complaint to cure these deficiencies. *Id.*

On November 20, 2020, Roberts filed an Amended Complaint in which he invoked the Court’s subject-matter jurisdiction pursuant to 28 U.S.C. § 1332. But once again, Roberts failed to properly plead the parties’ citizenship. *See* ECF No. 7, ¶¶ 2-4. On November 30, 2020, the Court issued an Order in which it granted Roberts “one final chance” to properly establish subject-matter jurisdiction and ordered him to cure the deficiencies in his Amended Complaint by “properly alleg[ing] the *citizenship* of each party to th[e] action.” ECF No. 11. In that Order, the Court gave Roberts until December 4, 2020, to amend his pleading and warned that, “[i]f, by that date, Roberts does not file an amended complaint actually establishing this Court’s subject-matter jurisdiction, the Court will dismiss the case without prejudice and without further notice to any party.” *Id.* To date, no such amended pleading has been filed.

Accordingly, the Amended Complaint is hereby DISMISSED without prejudice for lack of subject-matter jurisdiction. Any pending motions are moot and any conferences are canceled. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: December 8, 2020
New York, New York



JESSE M. FURMAN
United States District Judge